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August 12, 2016

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Honorable Members of the West Hartford Town Council
Town of West Hartford
Town Hall
50 South Main Street
West Hartford, Connecticut 06107

ITEM NO. 9
FILE NO. 999

RE:

Application of Lexham West Hartford Owner, LLC to Amend the West Hartford Code of Ordinances to Allow for an Increase in FAR in BC Zones.

Dear Mayor Cantor and Honorable Members of the Town Council:

Application is hereby filed on behalf of Lexham West Hartford Owner, LLC ("Lexham"), the owner of several properties in West Hartford Center, including property at 53-65 LaSalle Road. Lexham proposes to amend the West Hartford Code of Ordinances to add a new Section 177-16.11 entitled "Alteration of Floor Area Ratio Standard in BC Zones" to allow an increase in the floor area ratio up to 1.5 upon application to the Town Council of West Hartford for a special development district, all as set forth in the proposed ordinance and accompanying documents (together with this letter, the "Amendment Application").

Please accept this Amendment Application and schedule it for a public hearing.

Overview:

Lexham is strongly committed to the improvement of its properties in the Center to add value for it, its tenants and the community as a whole. In particular, it believes the development of residential units will support existing Center restaurants, shops, service providers and office uses by providing customers as well as more housing options in the Center for their employees.

Through the experience of owning, operating and reinvesting in its properties, Lexham has become acutely aware of the difficulty of further investment through new construction of a scale and design befitting the highly regarded character of the Center. Much of the existing development in the Center was constructed at a time before the zoning Code imposed floor area ratio standards, standards that would prevent the development of a number of key buildings today.

Lexham believes that by allowing an increase in the floor area ratio for buildings accommodating residential living above a commercial ground floor, and only after the Town Council's rigorous review of a special development district application subject to full public

West Hartford Town Council
Lexham West Hartford Owner, LLC
Amendment to Code of Ordinances
August 12, 2016

hearing and comment, the high design standards and promotion of walkable, vibrant, prosperous neighborhoods for which West Hartford is known, will be enhanced.

Lexham will be meeting with residential and commercial property owners in the Center over the next several weeks to introduce itself and this amendment proposal to them. Lexham intends to provide additional materials to its Center neighbors and to the Town Council to demonstrate the appropriateness of such a change for the beneficial future development of the Center. Lexham will report to the Council on its community outreach efforts in advance of a scheduled hearing on the Amendment Application.

We look forward to presenting this proposed ordinance to the Town Council in the near future.

Respectfully submitted,

LEXHAM WEST HARTFORD OWNER, LLC

By: 

Robin Messier Pearson
Alter & Pearson, LLC
Its Attorneys and Authorized Agent

List of Enclosures:

- (a) Proposed Ordinance;
- (b) Affidavit of Interest and Authorization;
- (c) Application fee by check in the amount of \$760.00 payable to the Town of West Hartford.

**An Ordinance Permitting Increased FAR
in the Central Business (BC) Zone**

WHEREAS the continued interest in commercial development opportunities within West Hartford Center supports a reevaluation of the current limitation on the floor area ratio standard; and

WHEREAS the desire for grand list growth within West Hartford Center must be balanced against the need to avoid expansion of the commercial center outward into residential neighborhoods; and

WHEREAS there is a particular benefit to encouraging further residential development within West Hartford Center in order to ensure continued year-round vibrancy, support existing businesses in the Center, and to increase pedestrian activity within that area; and

WHEREAS a limited increase in the permitted floor area ratio within the BC zone may promote development of sites which are currently underutilized, particularly infill site locations in the Center where development of structured underground parking will be required to support residential development.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the West Hartford Code of Ordinances is hereby amended to include a new section 177-16.11 Alteration of Floor Area Ratio Standard in BC Zones, as follows:

§177-16.11 Alteration of Floor Area Ratio Standard in BC Zones

The Town Council of West Hartford, through adoption of the Plan of Development, finds that areas zoned BC are characterized by physically and economically underutilized properties from the perspective of a suburban town center area and that these areas are also appropriate for residential development. It further finds that areas zoned BC are conducive to an increased floor area ratio to support residential development only if the impact on the Town's infrastructure, traffic circulation and parking, residential neighborhoods and community facilities is addressed satisfactorily. Accordingly, within the BC zones, the floor area ratio may be increased to 1.5 upon application to the Town Council for a special development district, provided that the following criteria, in addition to the criteria of § 177-44, are met:

- A. The Town Council must find that adequate parking exists to meet the needs of the proposed development.
- B. The Town Council must find that adequate street capacity exists on adjacent streets to accommodate the traffic projected to result from any increase in floor area ratio above that allowed as of right.

- C. The Town Council must find that appropriate bicycle and pedestrian amenities, such as but not limited to bicycle storage and/or parking, park benches and pedestrian walkways, are provided.
- D. The maximum floor area ratio may be increased up to 1.5 only if the floors above the ground floor are used for residential purposes.

Approved as to form and legality

Patrick Alair, Corporation Counsel

AFFIDAVIT OF INTEREST AND AUTHORIZATION

The undersigned, being duly sworn, hereby deposes and says:

The names and addresses of any person, firm or corporation having a direct or indirect interest in a personal or financial sense in the attached application by Lexham West Hartford Owner, LLC, owner of 53-65 LaSalle Road, West Hartford, to amend the West Hartford Code of Ordinances to add a new Section 177-16.11 entitled "Alteration of Floor Area Ratio Standard in BC Zones" to allow an increase in the floor area ratio from 1.25 up to 1.5 upon application to the Town Council of West Hartford for a special development district, all as set forth in the documents and plans filed with this application, are as follows:

1. Lexham West Hartford Owner, LLC, as owner of the Property. Lexham West Hartford Owner, LLC is a Delaware limited liability company with a business address of c/o Lexham Private Investors, LLC, 274 Riverside Avenue, Penthouse, Westport, CT. 06880. It acquired the property in 2005.

Further, the undersigned, as owner of 53-65 LaSalle Road in the Town of West Hartford, authorizes its legal counsel, Alter & Pearson, LLC, as its agent, to file on its behalf with the West Hartford Town Council, the above referenced amendment to the West Hartford Code of Ordinances.

Further your affiant sayeth not.


Executed this 12th day of August, 2016.



Marc K. Lewis, Managing Member

Duly Authorized Representative of
Lexham West Hartford Owner, LLC

Subscribed and sworn to before me this 12th day of August, 2016.



Christine W. Boe, Esq.
Commissioner of the Superior Court
State of Connecticut